

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Cr. No. 10-32(2) (JNE/SRN)**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	<b>MOTION TO DISMISS OR TO</b>
	)	<b>COMPEL THE GOVERNMENT TO</b>
	)	<b>ELECT AS TO COUNT ONE OF THE</b>
	)	<b>SUPERSEDING INDICTMENT</b>
vs.	)	<b>AND ACCOMPANYING MOTION TO</b>
	)	<b><u>STRIKE SURPLUSAGE.</u></b>
	)	
	)	
STEVEN J. LEACH,	)	
	)	
Defendant.	)	

Defendant, Steven Joseph Leach, by and through his undersigned counsel, Robert D. Sicoli, Law Offices of Robert D. Sicoli, and Sarah M. MacGillis, MacGillis Law P.A., moves this Court for an Order dismissing Count One of the Superseding Indictment as duplicitous, or in the alternative, requiring the Government to elect which of the three conspiracies charged in Count One it intends to prove beyond a reasonable doubt during the trial of this matter.

Furthermore, if the Court orders election, the defendant moves this Court for an Order striking paragraphs 16-19 of the Superseding Indictment as surplusage because as a matter of law, they are irrelevant to the allegations as set forth in Count 1, have nothing to do with Defendant Leach, and as such, are inflammatory and prejudicial to his defense of this case.

This Motion is based on the files and records in this proceeding, on the Memorandum of Law in Support of Motion filed simultaneously with the Court, and on the argument of counsel to be heard at the hearing of this matter.

Respectfully submitted,

Dated: June 2, 2010

By: /s/ Robert D. Sicoli  
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